

1
2
3
4
5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 ME2 PRODUCTIONS, INC.,

9 Plaintiff,

10 v.

11 WHENDI PHIPPS, *et al.*,

12 Defendants.

Case No. C16-1953RSL

ORDER REINSTATING CLAIMS
AGAINST WHENDI PHIPPS,
CLINTON HENDERSON, AND
RACHEL KRON

13 This matter comes before the Court on plaintiff's "Motion to Set Aside Dismissal."
14 Dkt. # 33. On March 16, 2017, the Court granted an extension of time in which to affect
15 service in this matter. Plaintiff was given "an additional forty-five days, until May 5,
16 2017, to file proofs of waiver as to all defendants or a second motion for extension of
17 time detailing the efforts made toward effecting personal service." Dkt. # 12 at 2. Plaintiff
18 failed to timely file proof of service or waiver as to ten defendants, and the claims against
19 them were dismissed on May 11, 2017.

20 Plaintiff has now filed proof that service was in fact achieved on three of the
21 defendants, Whendi Phipps, Clinton Henderson, and Rachel Kron, within the time
22 allowed. The failure to comply with the Court's order requiring filing by a certain date is
23 nevertheless troubling. Inadvertence in light of the Court's repeated indications that it will
24 strictly enforce the service deadlines does not constitute good cause. Because this is the
25 first time this particular situation has arisen (at least before the undersigned), the motion
26

ORDER REINSTATING CLAIMS AGAINST
WHENDI PHIPPS, CLINTON HENDERSON,
AND RACHEL KRON

1 to set aside is GRANTED. The claims against Whendi Phipps, Clinton Henderson, and
2 Rachel Kron are hereby reinstated.¹ Counsel is advised, however, that future failures to
3 comply with service requirements and orders of the Court will not be excused absent
4 good cause.

5
6 Dated this 12th day of May, 2017.

7 

8 Robert S. Lasnik
9 United States District Judge
10
11
12
13
14
15
16
17
18
19
20
21

22 ¹ Plaintiff also submitted “Stipulations of Dismissal with Prejudice” as to four other
23 defendants and argues that “the stipulations of dismissal should be recognized as they are with
24 prejudice per the Confidential Settlement Agreements with each party.” Dkt. # 33 at 2. No
25 information is provided regarding the dates of the settlement agreements, no arguments are
26 asserted regarding the effect of the dismissal on May 11, 2007, if any, and the nature of the
requested “recognition” is unclear. The Court takes notice that the stipulated dismissals are
undated and were filed on May 11, 2017.